

WS-15J

May 10, 2001

District Engineer, St. Paul District
U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, Minnesota 55101-1638
Attn: Jon Ahlness, Regulatory Branch

RE: 94-01298-IP-DLB Crandon Mine Scoping Document Comments

Dear Mr. Ahlness:

Thank you for the opportunity to provide comments on the U.S. Army Corps of Engineers' (COE) draft Scoping Document, dated March 2001, for the proposed Crandon Mine Project. In your correspondence dated March 28, 2001, you requested comments on the draft Scoping Document and also requested that we provide you with help in prioritizing the resource categories and important issues as outlined within the scoping document. Below are comments from the U.S. Environmental Protection Agency (EPA) on the draft Scoping Document, and attached are a listing of priorities and issues related to the proposed mine project.

Comments on the Draft Scoping Document:

Public meetings:

In reviewing Section 2 of the draft Scoping Document, the need for additional public meetings seems apparent. The scope of this project has changed dramatically since it was proposed in 1994. The public needs to be kept abreast of these changes because of the importance of the issues. According to Sections 2.8 and 4.1 of the draft Scoping Document, issues to be addressed within the EIS will be based, amongst other criteria, on what issues and on how many times issues are raised by the public. Since the last public meeting was held over five years ago, public input should again be sought prior to designating issues as public concerns. This draft Scoping Document is available for public comment, but the public may not be aware of some major changes such as the installation of a grout curtain. Issues of this magnitude may need to be presented and explained. EPA Office of Public Affairs can assist the COE in addressing this issue if requested.

Scope of Issues:

The draft Scoping Document, prepared by COE's contractor Montgomery Watson, seems to be a good summary of many of the issues raised throughout the duration of this project. Many of EPA's concerns have been relayed to you in earlier correspondences and are reflected in this document. As you have highlighted in this document, there are many concerns and issues related to a project such as this, and to rank one issue over another is a very difficult task, especially when there are many different parties and interests involved. EPA recognizes that the list of concerns and issues listed within the draft Scoping Document, while extensive, is not a complete listing of all issues, as new issues may arise or old issues may spawn further issues. In addition, the cumulative impact analysis will make seemingly lesser issues more important than if viewed individually. Within Chapter 4 of the draft Scoping Document, the COE divides the issues of concern into three categories: Section 4.2 Important Issues of Concern to the Public; Section 4.3 Other Issues of Concern to the Public; and Section 4.4 Issues Eliminated from Further Analysis. This document should not separate issues between "Important Issues" and "Other Issues" but all issues should be listed together as issues of concern. Many of these issues are related to one another and should not be separated out. For example, Tribal Trust Assets is listed as an important issue, while Traditional Cultural Properties, Wild Rice and Environmental Justice are all listed as other issues of concern. Each of these issues are very important and to list them under "Other Concerns" seems to lessen their importance. Transportation issues are very important and cut across all the issues listed within the "Important Issue" category, so to list this as an "Other Issue" seems to lessen its importance.

So, to avoid this distinction, all the issues should be listed together and combined with other issues when possible. Therefore we recommend that every issue to be included in the analysis be considered and evaluated on equal terms.

Comments on Issues of Concern: (additional issues or expansion on current issues)

4.2.1 Groundwater Hydrology: Application of the models being run for the prediction of impacts to the groundwater is also a concern under this heading.

4.2.2 Groundwater Quality: Also, will the lowering of groundwater levels impact groundwater quality by exposing dewatered areas to oxidation and releasing contaminants such as arsenic when the water levels return after operations. A future issue is the potential impact on private or community well placement. For example, will residents moving into the area in the future need to install deeper, more expensive wells due to potential impacts from the mine. Will the Mole Lake Tribe be limited to installing future community wells to the west side of their reservation as to avoid risks that may be associated with the mine on the east side of the reservation?

4.2.3 Wetlands: Loss of wetlands may also contribute to flooding, increased contaminant transport or erosion downstream/downgradient from the wetland that was lost. Mitigation issues will need to be addressed.

4.2.4 Surface Water Quality: Temperature issues are also a concern for Swamp Creek/Rice Lake and not just the Wolf River.

4.2.5 Surface Water Hydrology: Also includes changes in flow due to decrease in wetlands retention of water.

4.2.6 Aquatic Resources: Contaminant issues should also include temperature changes. The potential introduction of exotic species will also impact the local aquatic resources.

4.2.9 Indian Trust Assets: Spills and leaks may also impact soils and groundwater and not just surface water. Transportation routes may take mine related traffic through or near Mole Lake, Menominee, Forest County Potawatomi, and other Northern Reservations.

4.3.3 Wild Rice: loss of wild rice in the area of the proposed mine would not only impact the Sokaogon Chippewa, but also other Tribes that depend on a share of the rice from this area either for subsistence or for seed. Introduction of exotic species and the application of herbicide on or near the proposed mine site may also adversely impact the wild rice crop.

4.3.4 Vegetation: impacts to vegetation may also occur on stream banks where road or railroad crossings are constructed. Shaded areas will be lost, runoff will be increased, etc. Vegetation should also include mitigation issues since roadsides, the TMA, plant site areas, fence rows, and other disturbed areas will be reseeded with vegetation perhaps different than what was once there. Native vegetation is recommended for reseeded, but impacts may occur from areas changing from, for example, shrub/scrub to grass.

4.3.5 Wildlife: Impacts may also occur due to the increase in roads and rail lines not only directly impacting wildlife habitats, but also by making these formerly remote locations easier to access by people and vehicles, and therefore causing more disturbance.

4.3.6 Ecosystem: In addition to the issues listed in the draft Scoping Document, mitigation issues should be added to the ecosystem issues, when mitigation actions to restore the area to pre-mine conditions may be more disruptive than the initial disturbance. Installation of a discharge pipe within a creek bottom may be one example.

4.3.7 Air Quality: Mercury deposition is also a concern that can be included under this section. In addition, the adequacy of the proposed air monitoring program may be an issue; without a monitoring system capable of monitoring all potential air impacts caused by the mine, possible issues may go unidentified.

4.3.9 Recreation: In addition to the issues listed in the draft Scoping Document; while tourism for nature activities, fishing, birding, etc, in the area may decrease due to the proposed mine, other tourism may increase such as casino business, tours of the mine and mining facilities, etc.

4.3.10 Visual Resources: impacts should also include increased truck and rail traffic over the roadways leading to and from the proposed mine area, as these could also be determined to be a visual distraction.

4.3.12 Noise: increased noise from truck traffic should also be included in with this issue.

4.3.13 Transportation: Transportation may also impact areas in addition to the Mole Lake Reservation, but will most likely impact many of the surrounding towns and depending on transportation routes, and may also impact the Menominee Reservation, Forest County

Potawatomi and other northern Wisconsin Reservations.

4.3.16 Cumulative Impacts: The issue of cumulative impacts is much larger than indicated in this section. Any of the previously mentioned issues may contribute to causing a cumulative impact that is greater than any one of the issues on its own. As mentioned in NEPA, cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

4.4 Issues Eliminated from Further Analysis: Is the pipeline to the Wisconsin River still an alternative, albeit not a preferred one, being considered by the mining company? If it is still a viable alternative, it should be included within the evaluations in the EIS.

One additional issue that is not listed within the draft Scoping Document is the issue of change in management within the mining company. While it can be assumed that once a permit is in place, the current company/management must comply with all of the written aspects of the permit(s), company philosophies or abilities may change and not put the emphasis in areas where it is needed. Amendments or exemptions to permits may be sought to compensate for any changes, and these changes could influence the degree of impacts caused by mining activities. Taking into consideration the amount of changes seen in this project with respect to ownership and management, this is a viable issue and should be addressed.

Please see the attachment for the “ranking” of resource categories and priority issues as you requested. We have followed your requested format by ranking our priorities, but this ranking does not decrease the importance of other categories or issues. If other resource categories and priority issues are not addressed, it could lead to larger cumulative impacts. Also, as you will note within the attached priority ranking form, all of the categories have Tribal Trust Resources/Traditional Cultural Properties/Tribal interests as one of the priority issues. EPA believes that Tribal Trust Responsibility is not a Resource Category of its own, but is involved in every Resource Category and needs to be addressed as such. Every Resource Category should have all the impacts evaluated and then make an additional evaluation of how that categories’ impacts affect Tribal Trust resources and interests.

Again, thank you for the opportunity to review and comment on this draft Scoping Document. If you wish to request the assistance of our Office of Public Affairs to help you arrange public meetings to discuss issues and priorities, please contact Don DeBlasio at 312-886-4360 or me at 312-886-7252. If you have any questions regarding the above comments or on the attached draft Scoping Document Response Form, please call me at the above number.

Sincerely,

Daniel J. Cozza, Crandon Mine Project Manager

cc:

Mary Manydeeds, BIA

Gordon Reid, NMC

John Coleman, GLIFWC
Ann McCammon Soltis, GLIFWC
Apesanahkwat, Menominee
Doug Cox, Menominee
Ken Fish, Menominee
Bill Tans, WDNR
Phil Shopodock, Forest County Potawatomi
Christine Hansen, Forest County Potawatomi
Sandra Rachel, Sokaogon Chippewa Community
Tina Van Zile, Sokaogon Chippewa Community

DRAFT SCOPING DOCUMENT RESPONSE FORM

(As a note, the EPA is following the format as suggested by the COE, but by supplying this ranking in this format, we do not want to devalue other issues that are either lower on this list or not shown. All issues identified in the draft Scoping Document are important either on their own or in combination with other issues. EPA understands the COE's need to narrow down certain issues in order to make the EIS a more viable document. The issues beneath each of the Priority Resource Categories are not prioritized as they are all important and need to be evaluated.)

Priority 1 Resource Category: **Aquatic Resources**

Priority Issue: What impacts would occur on fish (and other aquatic organisms) if surface waters are contaminated by the mining operations or a toxic spill?

Priority Issue: What impacts would occur on aquatic life from lowered and erratic stream flow?

Priority Issue: How will impacts to Aquatic Resources impact Tribal Trust Resources, Traditional Cultural Properties and other Tribal interests?

Priority 2 Resource Category: **Groundwater/Surface water Hydrology**

Priority Issue: What impacts would occur to groundwater levels and to associated shallow lakes, creeks, streams and springs, from mine activities including dewatering and mitigation?

Priority Issue: What impacts would mine activities such dewatering and groundwater drawdown have on recharge periods, surface water flows, water levels, etc., under prolonged drought, rapid spring snowmelt, unusually heavy rainfall and average conditions over a 20-25 year period?

Priority Issue: How will impacts on groundwater/surface water hydrology impact Tribal Trust Resources, Traditional Cultural Properties and other Tribal interests?

Priority 3 Resource Category: **Wetlands**

Priority Issue: What impacts will occur on wetlands?

Priority Issue: What impacts would occur to the watershed(s) from mitigation of wetlands with wetlands of different functions/values than those wetlands directly and indirectly affected by the mine project?

Priority Issue: How will impacts to wetlands caused by mine activities impact Tribal Trust Resources, Traditional Cultural Properties and other Tribal interests?

Priority 4 Resource Category: **Threatened and Endangered Species/Wildlife**

Priority Issue: What impacts would occur on threatened and endangered species and on wildlife in general from development and operation of the mine?

Priority Issue: What impacts would occur on plant species and their habitat and how will these impacts affect wildlife?

Priority Issue: How will impacts on wildlife caused by mine activities impact Tribal Trust Resources, Traditional Cultural Properties and other Tribal interests?

Priority 5 Resource Category: **Cumulative Impacts**

Priority Issue: What would be the overall impact on all resources from similar historic, existing, planned and reasonably foreseeable activities in the geographic area of the proposed mine?

Priority Issue: What potential cumulative impacts could occur on water quality in the Wolf River Basin?

Priority Issue: How will cumulative impacts affect Tribal Trust Resources, Traditional Cultural Properties and other Tribal interests?

Other issues (not an exhaustive list) that are not in the “rankings” above but are still very important:

- financial assurances
- TMA stability
- effectiveness of grout curtain
- potential of perpetual pump and treat
- groundwater and surface water quality issues
- transportation incidents
- health and safety of nearby residents and mine workers